

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

MILLER, DAVID

Examiner: HUBER, P.

Serial No: 09/696,376

Art Unit: 2651

RECEIVED

Filed: 25 October 2000

Paper No: 3

AUG 22 2001

For: PROGRAMMABLE SELF-OPERATING
COMPACT DISK DUPLICATION SYSTEM

Atty Dkt.: 13240(A)

Technology Center 2600

Box CPA
Commissioner of Patents
and Trademarks
Washington, D.C. 20231

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail" in an envelope addressed to: Box CPA, Commissioner of Patents and Trademarks, Washington, D.C. 20231, on:

August 16, 2001

By Sallie Whitsett

Sir:

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. 1.97

In addition to the references cited by Applicant in the parent Application Serial No. 09/152,815, now U.S. Patent No. 6,141,298, and the references cited by the Examiner in his action of May 14, 2001, Applicant provides the following information which may be material to the subject Application:

The day prior to issuance of the parent application on October 31, 2000, Applicant was informed in a Fax communication by counsel for a potential licensee that a compact disk recording device that allegedly anticipated claims of the 6,141,298 patent was offered for sale and publicly disclosed in the Comdex Show in November 1995. A copy of the Fax notification is attached as Exhibit 1.

Applicant disputes this contention and notes that the informant states that the specification sheet was not published in 1995. The informant, after repeated requests, has refused to provide any additional information on the "CD AUTO RECORDER" Model ALW-501, mentioned in his Fax of October 30, 2000.

On March 14, 1996 Applicant displayed an operable programmable self-operating compact disk duplication system at the International CEBIT Trade Exhibition in Hanover, Germany. The device and system displayed and demonstrated at the CEBIT Trade Show is the device described and disclosed in the parent application Serial No. 09/152,815, filed March 13, 1997.

Applicant believes that the informant's information is in error. In the event the effective date of the publication is determined to be prior to the filing date of the parent application, but less than one year prior to the filing date, Applicant reserves the right to swear behind the reference by 37 C.F.R. §1.131 affidavit.

This reservation is in addition to arguments on the merits that the device identified by the specification sheet attached to Exhibit 1 does not anticipate the claims of the subject application. The device shown and briefly described in the specification sheet does not adequately disclose the structure and operation of the unit and certainly does not disclose that the copy unit of the specification sheet has a set of multiple stacked recordable disk drives as defined in Applicant's base claim.

Exhibit 2 is a copy of the web page of Mitsui Advanced Media, Inc., which purportedly is a copy of a public announcement of the AOL-501 Trans/Corder with an apparent effective publication date of March 28, 1996. From the written description, the AOL-501 appears similar to the ALW-501 referenced in Exhibit 1. Applicant is attempting to determine the actual effective date of the publications of

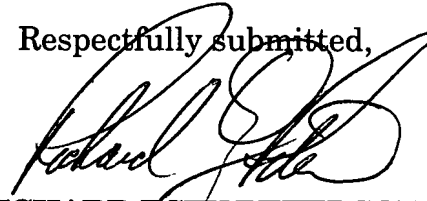
Exhibit 2.

Exhibit 3, entitled, "Automated CD-R Recording, Duplication or Replication" circa June 6, 1996 is a product review that on page 2 of the web download, illustrates and briefly describes the MTC Trans/corder.

As a result of Applicant's investigation, this is believed to be the earliest effective date of disclosure of the MTC Trans/corder. Note that the same reference on page 5 of the web download discloses the CopyPro 5000, which is the device of the subject application.

Dated: August 16, 2001

Respectfully submitted,


RICHARD ESTY PETERSON
Registration # 26,495